

22553 U.S. PTO
10/785168

022304

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

0149-FCCC.99-04US

Total Pages

51

First Named Inventor or Application Identifier

Joseph R. TESTA; Yasuhiro MITSUUCHI; Poulikos I. POULIKAKOS

Entitled: MODULATION OF APPL EXPRESSION

Express Mail Label No.

EV 374761696 US

Date Mailed: February 23, 2004

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification (Total Pages 42)
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) (Total Sheets 9)
4. ☐ Oath or Declaration (Total Pages)
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 Below]
 - i. ☐ DELETION OF INVENTOR(S)
Signed Statement attached deleting inventor(s)
named in the prior application, see
37 CFR 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of
the oath or declaration is supplied under Box 4b, is considered as
being part of the disclosure of the accompanying application and is
hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy (identical to computer copy)
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement [] Power of
(when there is an assignee) Attorney
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure [] Copies of
Statement (IDS)/PTO-1449 IDS
Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. ☒ Small Entity [] Statement Filed in prior
Status is application, Status still proper
Claimed and desired
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Other: _____

17. a. If a CONTINUING APPLICATION, check appropriate box and supply requisite information.

[] Continuation [] Divisional ☒ Continuation-in-part (CIP)

of the following application(s), each of which is hereby incorporated herein by reference:

PCT/US02/27018, filed August 23, 2002

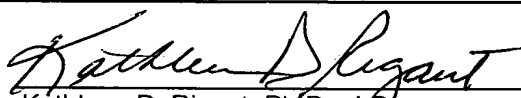
b. Priority Applications

In addition to any applications listed in 17a, the present application also claims priority to the following application(s), each of which is hereby incorporated herein by reference.

60/314,530, filed August 23, 2001

18. CORRESPONDENCE ADDRESS

☒ Customer Number 000110 or
DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.
 1601 Market Street, Suite 2400
 Philadelphia, PA 19103-2307
 Phone (215) 563-4100 Facsimile (215) 563-4044
 to the attention of the individual identified below.


 Kathleen D. Rigaut, Ph.D., J.D.
 Registration No. 43,047

| | |
|--|---|
| FEE TRANSMITTAL | Complete if known |
| | Application Number: Not Yet Assigned |
| | Filing Date: February 23, 2004 |
| | First Named Inventor: Joseph R. Testa, et al. |
| | Group Art Unit: Not Yet Assigned |
| | Examiner Name: Not Yet Assigned |
| Total Amt. of Payment: (1)+(2)+(3)= \$1,075 | |
| Attorney Docket Number: 0149-FCCC.99-04US | |

| METHOD OF PAYMENT (check one) | FEE CALCULATION (continued) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|-----------------|------------------------|-----------------|--------------------|-----------------------------------|-------------------|--|------------------|---|--------------------|--|------------------------|---|---------------------|--|--|------------------|-------|--|-------|--------------------------|--------------|--|-------|--|-----------|-----------|-------|--|-------|---|-------|--|--------------|---|-------|--|-------|---------------------|-------|---------------------|-------|
| <p>1. The Commissioner is hereby authorized to:</p> <p><input type="checkbox"/> Charge indicated fees</p> <p><input checked="" type="checkbox"/> Charge additional fees</p> <p><input checked="" type="checkbox"/> Credit overpayments</p> <p style="margin-left: 40px;">to the account of DANN, DORFMAN, HERRELL & SKILLMAN</p> <p style="margin-left: 40px;">Deposit Account Number <u>04-1406</u></p> <p>2. Payment enclosed:</p> <p style="text-align: right; margin-right: 50px;">Check in the amount of <u>\$1,075</u></p> | <table style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">ADDITIONAL FEES</th> </tr> <tr> <th style="text-align: left;">Fee Description</th> <th style="text-align: right;">Fee Paid</th> </tr> <tr><td>Surcharge-late filing fee or oath</td><td style="text-align: right;">_____</td></tr> <tr><td>Surcharge - late provisional filing fee or cover sheet</td><td style="text-align: right;">_____</td></tr> <tr><td>Extension for response within first month</td><td style="text-align: right;">_____</td></tr> <tr><td>Extension for response within second month</td><td style="text-align: right;">_____</td></tr> <tr><td>Extension for response within third month</td><td style="text-align: right;">_____</td></tr> <tr><td>Extension for response within fourth month</td><td style="text-align: right;">_____</td></tr> <tr><td>Notice of Appeal</td><td style="text-align: right;">_____</td></tr> <tr><td>Filing a brief in support of an appeal</td><td style="text-align: right;">_____</td></tr> <tr><td>Request for oral hearing</td><td style="text-align: right;">_____</td></tr> <tr><td>Petition to revive unavoidably abandoned application</td><td style="text-align: right;">_____</td></tr> <tr><td>Petition to revive unintentionally abandoned application</td><td style="text-align: right;">_____</td></tr> <tr><td>Issue fee</td><td style="text-align: right;">_____</td></tr> <tr><td>Petitions to the Commissioner</td><td style="text-align: right;">_____</td></tr> <tr><td>Petitions related to provisional applications</td><td style="text-align: right;">_____</td></tr> <tr><td>Submission of Information Disclosure Stmt.</td><td style="text-align: right;">_____</td></tr> <tr><td>Recording each patent assignment per property</td><td style="text-align: right;">_____</td></tr> <tr><td>Other fee (specify) <u>Advance Order (10 copies)</u></td><td style="text-align: right;">_____</td></tr> <tr><td>Other fee (specify)</td><td style="text-align: right;">_____</td></tr> <tr> <td style="text-align: right;">SUBTOTAL (3)</td> <td style="text-align: right;">_____</td> </tr> </table> | ADDITIONAL FEES | | Fee Description | Fee Paid | Surcharge-late filing fee or oath | _____ | Surcharge - late provisional filing fee or cover sheet | _____ | Extension for response within first month | _____ | Extension for response within second month | _____ | Extension for response within third month | _____ | Extension for response within fourth month | _____ | Notice of Appeal | _____ | Filing a brief in support of an appeal | _____ | Request for oral hearing | _____ | Petition to revive unavoidably abandoned application | _____ | Petition to revive unintentionally abandoned application | _____ | Issue fee | _____ | Petitions to the Commissioner | _____ | Petitions related to provisional applications | _____ | Submission of Information Disclosure Stmt. | _____ | Recording each patent assignment per property | _____ | Other fee (specify) <u>Advance Order (10 copies)</u> | _____ | Other fee (specify) | _____ | SUBTOTAL (3) | _____ |
| ADDITIONAL FEES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fee Description | Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Surcharge-late filing fee or oath | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Surcharge - late provisional filing fee or cover sheet | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Extension for response within first month | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Extension for response within second month | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Extension for response within third month | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Extension for response within fourth month | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Notice of Appeal | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Filing a brief in support of an appeal | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Request for oral hearing | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Petition to revive unavoidably abandoned application | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Petition to revive unintentionally abandoned application | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Issue fee | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Petitions to the Commissioner | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Petitions related to provisional applications | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Submission of Information Disclosure Stmt. | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Recording each patent assignment per property | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other fee (specify) <u>Advance Order (10 copies)</u> | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other fee (specify) | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBTOTAL (3) | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p style="text-align: center;"><u>FEE CALCULATION</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">1. FILING FEE</th> <th style="text-align: right;">Fee</th> </tr> <tr> <td style="text-align: left;">Fee Description</td> <td></td> </tr> <tr><td>Utility filing fee</td><td style="text-align: right;">385</td></tr> <tr><td>Design filing fee</td><td style="text-align: right;">_____</td></tr> <tr><td>Plant filing fee</td><td style="text-align: right;">_____</td></tr> <tr><td>Reissue filing fee</td><td style="text-align: right;">_____</td></tr> <tr><td>Provisional filing fee</td><td style="text-align: right;">_____</td></tr> <tr> <td style="text-align: right;">SUBTOTAL (1)</td> <td style="text-align: right;">\$385</td> </tr> </table> | 1. FILING FEE | Fee | Fee Description | | Utility filing fee | 385 | Design filing fee | _____ | Plant filing fee | _____ | Reissue filing fee | _____ | Provisional filing fee | _____ | SUBTOTAL (1) | \$385 | <p>2. Claims</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th style="text-align: right;">Paid</th> <th style="text-align: right;">Extr</th> <th style="text-align: right;">Fee</th> </tr> <tr> <td>Total Claims</td> <td style="text-align: right;">68 - 20 = 48</td> <td style="text-align: right;">x 9 =</td> <td style="text-align: right;">432</td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: right;">9 - 3 = 6</td> <td style="text-align: right;">x 43 =</td> <td style="text-align: right;">258</td> </tr> <tr> <td>Multiple Dependent (First presentation)</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: right;">SUBTOTAL (2)</td> <td colspan="3" style="text-align: right;">\$690</td> </tr> </table> | | Paid | Extr | Fee | Total Claims | 68 - 20 = 48 | x 9 = | 432 | Independent Claims | 9 - 3 = 6 | x 43 = | 258 | Multiple Dependent (First presentation) | | | | SUBTOTAL (2) | \$690 | | | | | | | | |
| 1. FILING FEE | Fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fee Description | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Utility filing fee | 385 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Design filing fee | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Plant filing fee | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Reissue filing fee | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Provisional filing fee | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBTOTAL (1) | \$385 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Paid | Extr | Fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Claims | 68 - 20 = 48 | x 9 = | 432 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Independent Claims | 9 - 3 = 6 | x 43 = | 258 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Multiple Dependent (First presentation) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBTOTAL (2) | \$690 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Submitted By:

Typed or

Printed Name Kathleen D. Rigaut, Ph.D., J.D.

Reg. Number 43,047

Signature 

Date February 23, 2004

Deposit Account User ID

04-1406